

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GABRIEL GILMORE,

Plaintiff,

**9:18-cv-463
(GLS/DJS)**

v.

BLAIR,

Defendant.

SUMMARY ORDER

On June 30, 2020, Magistrate Judge Daniel J. Stewart issued a Report-Recommendation and Order (R&R), which recommends that defendant Blair's motion for summary judgment be granted, and that plaintiff *pro se* Gabriel Gilmore's complaint, (Dkt. No. 1, Compl.), be dismissed. (Dkt. No. 134.) Pending before the court are Gilmore's objections to the R&R.¹ (Dkt. No. 137.)

Only specific objections warrant de novo review. *See Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at *3-5

¹ After Judge Stewart issued the R&R, Gilmore filed a supplement to his response in opposition to Blair's motion for summary judgment. (Dkt. No. 135.) Gilmore was already afforded an extension of time to respond, (Dkt. No. 117), and he did, in fact, file a response in opposition, (Dkt. No. 115), which was considered by Judge Stewart, (Dkt. No. 134). As such, the opportunity to file a supplement has long since passed, and the late supplement will not be considered. As to Gilmore's letter filed on September 24, 2020, (Dkt. No. 139), which is construed as a request for a status update on his case, the court believes this Summary Order squarely addresses his request.

(N.D.N.Y. Jan. 18, 2006). Objections that are general, conclusory, frivolous, or a mere reiteration of an argument already made to the Magistrate Judge trigger only clear error review. See *id.* at *4-5.

The majority of Gilmore's objections fail to address the findings made by Judge Stewart. Gilmore's remaining arguments are "general, conclusory, perfunctory, [and] a mere reiteration of . . . argument[s] [already] made," which trigger review only for clear error. See *Rahman v. Fischer*, No. 9:10-cv-1496, 2014 WL 688980, at *1 (N.D.N.Y. Feb. 20, 2014) (collecting cases); *Almonte*, 2006 WL 149049, at *4 (explaining that resubmitting the same arguments previously made "fails to comply with the specificity requirement").

Upon review of the R&R, there is no apparent, let alone clear, error in Judge Stewart's analysis, which squarely addresses Gilmore's arguments and provides multiple, appropriate reasons for granting Blair's motion for summary judgment. (Dkt. No. 134.) Accordingly, the R&R, is adopted in its entirety, and the complaint is dismissed.

Accordingly, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 134) is **ADOPTED** in its entirety; and it is further

ORDERED that Blair's motion for summary judgment (Dkt. No. 102) is **GRANTED**; and it is further

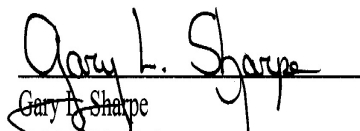
ORDERED that Gilmore's complaint (Compl.) is **DISMISSED**; and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk provide a copy of this Summary Order to the parties.

IT IS SO ORDERED.

September 28, 2020
Albany, New York


Gary L. Sharpe
U.S. District Judge